

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 AMADO PEDRO CASTILLO,

13 Defendant.

14 CASE NO. CR21-0174-JCC-4

15 **AMENDED ORDER**

16 This matter comes before the Court on Defendant's motion for transportation expenses
17 (Dkt. No. 747). The Court, having thoroughly considered the record and briefing, hereby
18 GRANTS in part and DENIES in part the motion for the reasons described below.

19 When a defendant is released on appearance bond and his subsequent appearance is a
20 condition of the release, the Court—upon finding that the defendant is financially unable to
21 appear and that the interests of justice will be served—may authorize the United States Marshals
22 to arrange for a defendant's "means of noncustodial transportation or furnish the fare for such
23 transportation *to* the place where [her] appearance is required." 18 U.S.C. § 4285 (emphasis
24 added). This includes "subsistence expenses *to* his destination." *Id.* (emphasis added).

25 Defendant presently resides in New York, (*see* Dkt. No. 232 at 2), and is to appear for a
26 change of plea hearing in Seattle **on July 26, 2024**. The Court previously found Defendant
indigent and appointed counsel. (*See* Dkt. No. 24-5.) Based on the Court's prior finding, and

1 being advised of no changes to Defendant's financial condition,¹ the Court now FINDS that
2 Defendant is financially unable to appear as directed and that the interests of justice would be
3 served by the provision of transportation by the Government.

However, the statute does not provide for the payment of travel expenses to return to New York. *See* 18 U.S.C. § 4285. And, in fact, courts, including this one, routinely conclude that payment of such expenses is not authorized. *See, e.g., United States v. Moran*, 2008 WL 11487953, slip op. at 2 (W.D. Wash. 2008) (citing *United States v. Gundersen*, 978 F.2d 580, 584 (10th Cir. 1992)); *United States v. Silkeutsabay*, 2015 WL 13449660, slip op. at 1 (E.D. Wash. 2015) (similar reasoning); *United States v. Smith-Kilpatrick*, 2017 WL 11573726, slip op. at 1 (W.D. Mich. 2017) (similar reasoning). The Court sees no reason to depart from those holdings in this instance.

12 Accordingly, the motion for transportation expenses is GRANTED in part and DENIED
13 in part. The Court ORDERS the United States Marshals to arrange and pay for Defendant's non-
14 custodial, one-way transportation from New York to Seattle **in order to attend the July 26,**
15 **2024 change in plea hearing.** Subsistence while en route may not exceed the amount authorized
16 as a *per diem* allowance for travel under 5 U.S.C. § 5702(a).

18 | DATED this 28th day of June 2024.

John C. Coyne

John C. Coughenour
UNITED STATES DISTRICT JUDGE

¹ Defense counsel avers this remains true today. (See Dkt. No. 747 at 2, 750 at 2.)